
IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELET NEILSON,

Defendant.

ORDER TO CONTINUE JURY TRIAL

Case No 1:17-cr-00043 DB

Based on the Motion to Continue Jury Trial filed by defendant, Elet Neilson, in the above-entitled case, and for good cause appearing, the court makes the following findings:

1. Defendant first appeared in this Court on August 16, 2017 for the Initial Appearance on the Indictment returned in this matter. The jury trial was scheduled for October 23, 2017, which was within the 70-day time period of the Speedy Trial Act. Defendant moved to continue the October 23, 2017 trial date and the Court granted the motion finding that the delay was excludable under the Speedy Trial Act. The next trial date was set for January 23, 2018. Defendant moved to continue the January 23, 2018 trial date and the Court granted the motion finding that the delay was excludable under the Speedy Trial Act. The new trial date was set for May 21, 2018.

2. Defendant has moved to continue trial pursuant to 18 U.S.C. § 3161(h)(7). This is the third request to continue trial in this matter and is made in good faith and not merely for the purpose of delay.
3. The length of delay requested is 180 days.
4. Specifically, defendant has alleged that the continuance is necessary because the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial.
5. The facts that support this allegation include the following: This case is extremely unusual and complex and requires several medical experts. Additional Discovery was also provided to defendant on May 9. Although, the parties are working to resolve the case short of trial, additional time is required. Counsel both hopes and anticipates that the additional time requested should be sufficient to agree on a final resolution of the case.
6. Defendant is not in custody and agree(s) with the need for a continuance of the trial and agrees that the defense will not be hindered or prejudiced by the delay.
7. Counsel for the Government, Assistant United States Attorney, Vernon G. Stejskal, was contacted and stipulates to a 180 day continuance in the matter.
8. There are no other defendants.

Based on the foregoing findings, the court concludes that the failure to grant such a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial.

THEREFORE, the Jury Trial previously scheduled to begin on May 21, 2018, is hereby continued to the ____ day of _____, 2018, at 8:30 a.m. Accordingly, the time between the filing of the Motion, May 14, 2018, and the new trial date set forth above, [Click here to enter a date](#) is excluded from Defendant's speedy trial computation for good cause.

DATED this ____ day of _____, 2018.

BY THE COURT:

DEE BENSON
United States District Court Judge